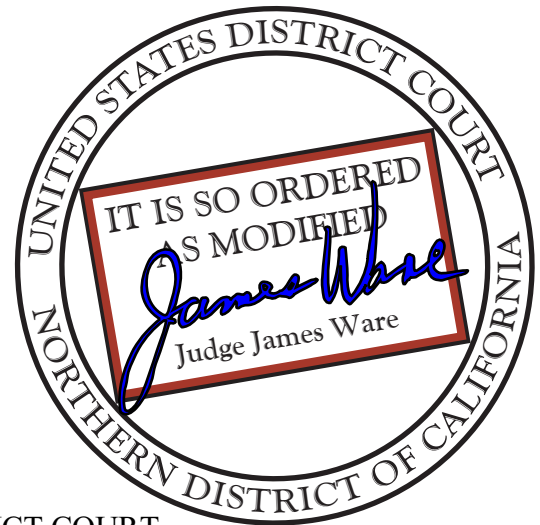


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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

SHASTA STRATEGIC INVESTMENT	)	Case No. C-04-4264-JW
FUND, LLC; AND PRESIDIO GROWTH	)	Related to Case Nos. C-04-4309-JW, C-04-
LLC (Tax Matters Partner),	)	4310-JW, C-04-4398-JW, C-04-4399-JW, C-
	)	04-4964-JW, C-05-1123-JW, C-05-2835-JW,
Petitioners,	)	and C-05-3887-JW
	)	
v.	)	
	)	<b>STIPULATION AND <del>PROPOSED</del></b>
UNITED STATES OF AMERICA,	)	<b>ORDER EXTENDING DEADLINES</b>
	)	
Respondent.	)	
	)	

Pursuant to Civil Local Rule 6-2, Respondent requests an extension of deadlines contained in the Court's July 6, 2011 Order Vacating Case Management Conference; Setting Schedule (Dkt. No. 127)<sup>1/</sup>. Petitioners have agreed not to object to Respondent's request on the condition that discovery

<sup>1/</sup> Unless otherwise noted, all docket references are to the lead case, *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-4264 (N.D. Cal.).

will not be interrupted or delayed by this extension. In support of this request Respondent submits the following:

1. The Court's July 6, 2011 Order established the following deadlines and court dates:

Disclosure of Expert Witnesses (63 days prior to close of discovery)	November 14, 2011 <sup>2/</sup>
Disclosure of Rebuttal Experts (49 days prior to close of discovery)	November 25, 2011
Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	December 2, 2011
Preliminary Pretrial Conference (app. 30 days before the close of discovery)	December 12, 2011
Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	December 19, 2011 <sup>3/</sup>
Close of All Discovery	January 13, 2012
Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	March 12, 2012

Dkt. No. 127.

2. Lead counsel for the United States, Stuart Gibson, is also lead counsel for the Government in *V.I. Derivatives, LLC v. United States*, Case No. 3:06-cv-00012 (V.I.) and *VIFX, LLC, v. United States*, Case No. 3:06-cv-00013 (V.I.). Decl. of Stuart Gibson, attached hereto, at ¶

2. These cases will be tried in the Virgin Islands beginning on December 12, 2011, the date currently

<sup>2/</sup> Sixty-three days prior to the close of discovery falls on November 11, 2011, a federal and court holiday. Therefore, pursuant to Fed. R. Civ. P. 6(a), the deadline is on Monday, November 14, the next day that is not a Saturday, Sunday or legal holiday.

<sup>3/</sup> The Court's July 6, 2011 Order requires such motions be heard on a Monday, no later than 42 days after expert and rebuttal expert disclosures. Forty-two days after rebuttal expert disclosures is Friday, January 6, 2012. However, the two proceeding Mondays—January 2, 2012, and December 26, 2011—are both federal and court holidays. Therefore, the last hearing date with in this time frame is December 19, 2011.

1 set for the Preliminary Pretrial Conference in this matter. *Id.* at ¶ 3. The Court in these cases has  
 2 made it clear that the trial date will not be moved. *Id.* at ¶ 4.

3  
 4 3. Counsel for the United States, Adair Boroughs, is currently more than seven months  
 5 pregnant and will be on maternity leave from approximately early November 2011 until late January  
 6 2012. Decl. of Adair Boroughs, attached hereto, at ¶ 2. Her doctor has recommended that she not  
 7 fly during October 2011, the last month of her pregnancy. *Id.* at ¶ 3.

8  
 9 4. Respondent requests that the deadlines and Court dates contained in the Court's July  
 10 6, 2011 Order be extended by approximately four months, resulting in the following schedule:

11 Disclosure of Expert Witnesses (63 days prior to close of discovery)	March 12, 2012
12 Disclosure of Rebuttal Experts (49 days prior to close of discovery)	March 26, 2012
13 Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	April 6, 2012
14 Preliminary Pretrial Conference (app. 30 days before the close of discovery)	April 16, 2012
15 Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on 16 a Monday)	May 7, <del>2011</del> 2012
17 Close of All Discovery	May 14, 2012
18 Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	July 16, 2012

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 20  
 21 5. Respondent has agreed that its request will not be used to delay discovery in any  
 22 fashion, and that the parties may conduct discovery under the Federal Rules of Civil Procedure at any  
 23 time during the discovery period.  
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**Previous Time Modifications**

6. This Court previously granted stipulated requests to extend time to file answers in some of these related cases. *Shasta Strategic Investment Fund, LLC v. United States*, Case No. 04-4264 (N.D. Cal.), Dkt. Nos. 13, 18; *Belford Strategic Investment Fund, LLC v. United States*, Case No. 04-4309 (N.D. Cal.), Dkt. Nos. 8, 11; *Princeton Strategic Investment Fund, LLC v. United States*, Case No. 04-4310 (N.D. Cal.), Dkt. Nos. 11, 15; *Sanford Strategic Investment Fund, LLC v. United States*, Case No. 04-4398 (N.D. Cal.), Dkt. Nos. 9, 12; *Olympus Strategic Investment Fund, LLC v. United States*, Case No. 04-4399 (N.D. Cal.), Dkt. Nos. 9, 13; *Sill Strategic Investment Fund, LLC v. United States*, Case No. 04-4964 (N.D. Cal.), Dkt. Nos. 10, 13.

7. This Court previously granted Petitioners' Motion to Shorten Time to Hear Motion to Compel 30(b)(6) Deposition. Dkt. No. 48.

8. This Court granted Respondent's motion to stay these related cases on November 7, 2005, due to parallel criminal proceedings. Dkt. No. 95. This Court granted a subsequent motion to stay these related cases on October 2, 2006. Dkt. No. 103. This Court lifted the stay on June 9, 2011. Dkt. No. 124.

9. This Court previously granted a stipulated request to enlarge time for briefing in response to Respondent's Motion for Summary Judgment in *Princeton Strategic Investment Fund, LLC v. United States*, Case No. 04-4310 (N.D. Cal.). *Princeton*, Dkt. No. 37.

**Effect on the Schedule for the Case**

10. The requested extension would extend all deadlines in the case by approximately four months.

NOW, THEREFORE, IT IS AGREED AND STIPULATED by the parties, subject to an order of the Court that the deadlines and Court dates contained in the Court's July 6, 2011 Order be extended by approximately four months, resulting in the following schedule:

Disclosure of Expert Witnesses (63 days prior to close of discovery)	March 12, 2012
Disclosure of Rebuttal Experts (49 days prior to close of discovery)	March 26, 2012
Preliminary Pretrial Conference Statements (10 days before Preliminary Pretrial Conference)	April 6, 2012
Preliminary Pretrial Conference (app. 30 days before the close of discovery)	April 16, 2012
Last Date for Hearing Motions to Exclude Expert Testimony (42 days after both expert and rebuttal expert disclosures on a Monday)	May 7, <del>2011</del> 2012
Close of All Discovery	May 14, 2012
Last Date for Hearing Dispositive Motions (appr. 60 days after close of discovery)	July <del>16</del> , 2012 9

Dated: September 23, 2011

Respectfully submitted

/s/ Steven M. Bauer

STEVEN M. BAUER

Latham & Watkins

Attorney for Petitioners

/s/ Adair F. Boroughs

ADAIR F. BOROUGHS

Trial Attorney

Tax Division, Department of Justice

Attorney for Respondent

/s/ William E. Taggart, Jr.

WILLIAM E. TAGGART, JR.

Attorney for Intervenors

Adkison, McNair, and Salmon Ventures

/s/ Martin A. Schainbaum

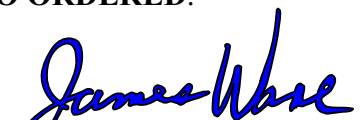
MARTIN A. SCHAINBAUM

Attorney for Intervenors

Soward/Voltaire and Gonzales/Birch

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: September 28, 2011



James Ware

United States District Judge

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the foregoing **STIPULATION AND PROPOSED ORDER EXTENDING DEADLINES**, along with the attached Declarations of Stuart Gibson and Adair Boroughs, has been made this 23rd day of September 2011, upon the following by ECF:

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10

11  
12 /s/ Adair F. Boroughs

13 ADAIR F. BOROUGHS

14 Trial Attorney, Tax Division  
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